



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Helms, Larry Ronald  
Vanessa HSEI, et al. )  
Application Serial No. 09/726,258 ) Art Unit: 1642  
Filed: November 29, 2000 ) Confirmation No. 4895  
For: **ANTIBODY FRAGMENT-PEG** ) Attorney's Docket No. 39766-0093 C1  
**CONJUGATES** ) Customer No. 25213  
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**DATE MAILED: OCTOBER 13, 2004**

### TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

#### **MAIL STOP AF**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. The owner, Genentech, Inc., having a principal place of business at 1 DNA Way, South San Francisco, California 94080, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, and is also the owner of the entire right, title and interest in the inventions disclosed in U.S. Patents No. 6,117,980 and 6,133,426.

Genentech, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the full statutory term (as defined in 35 U.S.C. 154 to 156 and 173) of U.S. Patent No. 6,117,980. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned.

Genentech, Inc. also hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the full statutory term (as defined in 35 U.S.C. 154 to 156 and 173) of U.S. Patent No. 6,133,426. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned.

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This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, of any patent to be granted on U.S. Patent Application Serial No. 09/726,258, in the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is hereby authorized to charge the Terminal Disclaimer fee in the amount of \$110.00, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39766-0093 C1).

Respectfully submitted,

Date: October 13, 2004

By:   
James A. Fox (Reg. No. 38,455)

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 110.00)

## Complete if Known

Application Number	09/726,258
Filing Date	NOVEMBER 29, 2000
First Named Inventor	VANESSA HSEI
Examiner Name	HELM斯, LARRY RONALD
Art Unit	1642
Attorney Docket No.	39766-0093 C1

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
HELLER EHRMAN WHITE & McAULIFFE LLP

08-1641 (39766-0093 C1)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)		<b>TERMINAL DISCLAIMER</b>	<b>110.00</b>

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** **110.00**

## SUBMITTED BY

Name (Print/Type)	JAMES A. FOX	Registration No. (Attorney/Agent)	38,455	Telephone	(650) 324-7000
Signature		Date	OCTOBER 13, 2004		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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